

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED RESTRUCTURE AND)	
REPRICING OF AT&T'S CHANNEL)	CASE NO. 89-168
SERVICES TARIFF)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T"), filed September 8, 1989, and supplemented on September 26, 1989, October 16, 1989, and October 18, 1989 pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost and revenue data submitted as Exhibit 5 to its application on the grounds that public disclosure of the information would cause competitive injury to AT&T, and it appearing to this Commission as follows:

AT&T has filed an application to adjust its private line, switched service rates and its rate structures. On September 8, 1989, in conjunction with its application, AT&T submitted a summary of the revenue effects of the proposed tariff changes. On September 26, 1989, AT&T filed a revised Exhibit 5 which included demand price-out information by rate elements on the private line rates. On October 16, 1989, AT&T filed a second revised Exhibit 5 which included demand price-out information on switched service rates.

AT&T states that the information is sensitive and proprietary and that it could be used by a competitor to obtain an unfair marketing advantage against AT&T. AT&T further states that the information sought to be protected is not known outside of AT&T, is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information, and that the confidentiality of the information is preserved by AT&T through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential if its disclosure is likely to cause substantial competitive injury to the party from whom the information was obtained. Competitive injury occurs when disclosure of information causes substantial harm to the competitive position of the party who seeks to protect the information from disclosure.

Exhibit 5 filed on September 8, 1989 summarizes the revenue effects of the proposed tariff changes. This information, which is also repeated in the revised Exhibits 5 filed on September 26, 1989 and October 16, 1989, is presented in broad and general terms and would have little, if any, value to a competitor considering the feasibility of entering any market served by AT&T. Thus the petition to protect the information summarizing the revenue effects of the proposed tariff changes should be denied.

The revised Exhibit 5, filed on September 26, 1989, also contains demand price-out information by rate element on the private line rates and the revised Exhibit 5, filed on October 16, 1989, includes demand price-out information on switched service rates. The demand price-out information found in both revised

exhibits could be used by a competitor in considering the feasibility of entering a market served by AT&T and this information would therefore have competitive value. Thus the petition to protect the demand price-out information should be granted.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The petition filed on September 8, 1989 and amended on September 26, 1989 and October 16, 1989 to protect from disclosure the summary revenue analysis contained in Exhibit 5 to the application be and is hereby denied.

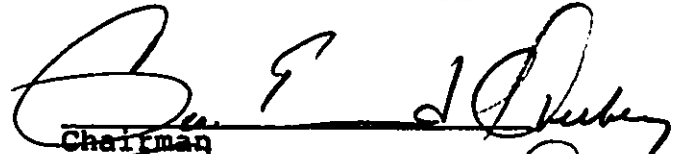
2. The demand price-out information included as part of revised Exhibit 5 filed on September 26, 1989 and as part of revised Exhibit 5 filed on October 16, 1989, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

3. The revenue summary contained in Exhibit 5 and revised Exhibits 5 shall be held and retained by this Commission as confidential for a period of 5 working days from the date of this Order, at the expiration of which information shall be placed in the public record.

4. AT&T shall, within 10 days of this Order, file an edited copy of the revised Exhibits 5 with the confidential material obscured for inclusion in the public record, with copies to all parties of record.

Done at Frankfort, Kentucky, this 20th day of November, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:

Executive Director